

AMENDED IN ASSEMBLY JUNE 20, 2016

AMENDED IN SENATE APRIL 21, 2016

AMENDED IN SENATE APRIL 14, 2016

AMENDED IN SENATE MARCH 28, 2016

**SENATE BILL**

**No. 1380**

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**Introduced by Senator Mitchell**

*(Principal coauthor: Assembly Member Santiago)*

**(Coauthors: Senators Allen, Hertzberg, Liu, and Wieckowski)**

*(Coauthors: Assembly Members Campos Campos, Mullin, and  
Thurmond)*

February 19, 2016

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An act to add Chapter 7 (commencing with Section 8260) to Division 8 of the Welfare and Institutions Code, relating to homelessness.

LEGISLATIVE COUNSEL'S DIGEST

SB 1380, as amended, Mitchell. Homeless Coordinating and Financing Council.

Existing law establishes various programs, including, among others, the Emergency Housing and Assistance Program, to provide assistance to homeless persons.

This bill would require a state agency or department that funds, implements, or administers a state program that provides housing or housing-related services to people experiencing homelessness or at risk of homelessness, except as specified, to revise or adopt guidelines and regulations to include enumerated Housing First policies. The bill would also establish the Homeless Coordinating and Financing Council to oversee the implementation of the Housing First guidelines and regulations and, among other things, to identify resources, benefits, and

services that can be accessed to prevent and end homelessness in California.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) California leads the nation in the number of homeless  
4 residents with 115,738 people experiencing homelessness at some  
5 point, which is 21 percent of the nation's total. California also  
6 leads the nation in the number and ratio of chronically homeless  
7 residents with 29,178 chronically homeless residents at any point  
8 in time, which is 31 percent of the nation's total. *California also*  
9 *has 10,416 homeless youth, which is 28 percent of the nation's*  
10 *total.*

11 (b) Homelessness is expensive to the state and local  
12 governments. A homeless person receiving general assistance in  
13 Los Angeles County, for example, incurs \$2,897 per month in  
14 crisis response services.

15 (c) A chronically homeless Californian moving into "supportive  
16 housing" is able to reduce costs he or she incurs by almost 80  
17 percent. Moving an individual or family experiencing chronic  
18 homelessness to housing stability costs less than the resulting  
19 savings in public expenditures.

20 (d) Following the example of other states, as well as jurisdictions  
21 within California, it is the intent of the Legislature to adopt a  
22 "Housing First" model for all state programs funding housing for  
23 people experiencing homelessness or at risk of homelessness.  
24 *These housing models should address the distinct needs of homeless*  
25 *populations, including unaccompanied youth under 25 years of*  
26 *age.*

27 (e) Housing First is an evidence-based model of ending all types  
28 of homelessness and is the most effective approach to ending  
29 chronic homelessness. The federal government recognizes that  
30 Housing First yields high-housing retention rates, low returns to  
31 homelessness, and significant reductions in crisis or institutional  
32 care. *The federal government also recognizes the value of*

1 *time-limited housing to address the needs of unaccompanied*  
2 *homeless youth and persons fleeing domestic violence.*

3 (f) Homelessness affects multiple systems in California. Though  
4 almost every state with significant homeless populations has  
5 established a council to coordinate a Housing First-oriented  
6 response to homelessness, California does not have any entity to  
7 manage the state's response to homelessness.

8 (g) California participated in a federally funded Policy Academy  
9 to reduce chronic homelessness. That Policy Academy succeeded  
10 in revising programs California's Department of Housing and  
11 Community Development (HCD) administers, and in attracting  
12 federal funding opportunities requiring collaboration between the  
13 HCD and the State Department of Health Care Services. To  
14 implement additional successes, it is essential that California have  
15 a coordinating council on homelessness.

16 SEC. 2. Chapter 7 (commencing with Section 8260) is added  
17 to Division 8 of the Welfare and Institutions Code, to read:

18  
19 CHAPTER 7. HOUSING FIRST AND COORDINATING COUNCIL  
20

21 8260. For purposes of this chapter:

22 (a) "Coordinating Council" means the Homeless Coordinating  
23 and Financing Council established pursuant to Section 8262.

24 (b) "Core components of Housing First" means all of the  
25 following:

26 (1) Tenant screening and selection practices that promote  
27 accepting applicants regardless of their sobriety or use of  
28 substances, completion of treatment, or participation in services.

29 (2) Applicants are not rejected on the basis of poor credit or  
30 financial history, poor or lack of rental history, criminal convictions  
31 unrelated to tenancy, or behaviors that indicate a lack of "housing  
32 readiness."

33 (3) Acceptance of referrals directly from shelters, street outreach,  
34 drop-in centers, and other parts of crisis response systems  
35 frequented by vulnerable people experiencing homelessness.

36 (4) Supportive services that emphasize engagement and problem  
37 solving over therapeutic goals and service plans that are highly  
38 tenant-driven without predetermined goals.

39 (5) Participation in services or program compliance is not a  
40 condition of permanent housing tenancy.

1 (6) Tenants have a lease and all the rights and responsibilities  
2 of tenancy, as outlined in California’s Civil, Health and Safety,  
3 and Government codes.

4 (7) The use of alcohol or drugs in and of itself, without other  
5 lease violations, is not a reason for eviction.

6 (8) In communities with coordinated assessment and entry  
7 systems, incentives for funding promote tenant selection plans for  
8 supportive housing that prioritize eligible tenants based on criteria  
9 other than “first-come-first-serve,” including, but not limited to,  
10 the duration or chronicity of homelessness, vulnerability to early  
11 mortality, or high utilization of crisis services. Prioritization may  
12 include triage tools, developed through local data, to identify  
13 high-cost, high-need homeless residents.

14 (9) Case managers and service coordinators who are trained in  
15 and actively employ evidence-based practices for client  
16 engagement, including, but not limited to, motivational  
17 interviewing and client-centered counseling.

18 (10) Services are informed by a harm-reduction philosophy that  
19 recognizes drug and alcohol use and addiction as a part of tenants’  
20 lives, where tenants are engaged in nonjudgmental communication  
21 regarding drug and alcohol use, and where tenants are offered  
22 education regarding how to avoid risky behaviors and engage in  
23 safer practices, as well as connected to evidence-based treatment  
24 if the tenant so chooses.

25 (11) The project and specific apartment may include special  
26 physical features that accommodate disabilities, reduce harm, and  
27 promote health and community and independence among tenants.

28 (c) “Homeless” has the same definition as that term is defined  
29 in Section 91.5 of Title 24 of the Code of Federal Regulations.

30 (d) (1) “Housing First” means the evidence-based model that  
31 uses housing as a tool, rather than a reward, for recovery and that  
32 centers on providing or connecting homeless people to permanent  
33 housing as quickly as possible. Housing First providers offer  
34 services as needed and requested on a voluntary basis and that  
35 ~~does~~ *do* not make housing contingent on participation in services.

36 (2) (A) “Housing First” includes time-limited rental or services  
37 assistance, so long as the housing and service provider assists the  
38 recipient in accessing permanent housing and in securing  
39 longer-term rental assistance, income assistance, or employment.

(B) *For time-limited, supportive services programs serving homeless youth, programs should use a positive youth development model and be culturally competent to serve unaccompanied youth under age 25. Providers should work with the youth to engage in family reunification efforts, where appropriate and when in the best interest of the youth. In the event of an eviction, programs shall make every effort, which shall be documented, to link tenants to other stable, safe, decent housing options. Exit to homelessness should be extremely rare, and only after a tenant refuses assistance with housing search, location, and move-in assistance.*

(e) “State programs” means any programs a California state agency or department funds, implements, or administers for the purpose of providing housing or housing-based services to people experiencing homelessness or at risk of homelessness, with the exception of federally funded programs with requirements inconsistent with this chapter or programs that fund emergency shelters.

8261. (a) Agencies and departments administering state programs created on or after July 1, 2017, shall collaborate with the Coordinating Council to adopt guidelines and regulations to incorporate core components of Housing First.

(b) By July 1, 2019, agencies and departments administering state programs in existence prior to July 1, 2017, shall collaborate with the Coordinating Council to revise or adopt guidelines and regulations that incorporate the core components of Housing First, if the existing guidelines and regulations do not already incorporate the core components of Housing First.

8262. (a) Within 180 days of the effective date of the measure adding this chapter, the Governor shall create a Homeless Coordinating and Financing Council.

(b) ~~The Coordinating Council~~ *council* shall have the following goals:

- (1) To oversee implementation of this chapter.
- (2) To identify mainstream resources, benefits, and services that can be accessed to prevent and end homelessness in California.
- (3) To create partnerships among state agencies and departments, local government agencies, participants in the United States Department of Housing and Urban Development’s Continuum of Care Program, federal agencies, the United States Interagency Council on Homelessness, nonprofit entities working to end

1 homelessness, *homeless services providers*, and the private sector,  
2 for the purpose of arriving at specific strategies to end  
3 homelessness.

4 (4) To promote systems integration to increase efficiency and  
5 ~~effectiveness~~, *effectiveness while focusing on designing systems*  
6 *to address the needs of people experiencing homelessness,*  
7 *including unaccompanied youth under 25 years of age.*

8 (5) To coordinate existing funding and applications for  
9 competitive funding. Any action taken pursuant to this paragraph  
10 shall not restructure or change any existing allocations or allocation  
11 formulas.

12 (6) To make policy and procedural recommendations to  
13 legislators and other government entities.

14 (7) To identify and seek funding opportunities for state entities  
15 that have programs to end homelessness, including, but not limited  
16 to, federal and philanthropic funding opportunities, and to facilitate  
17 and coordinate those state entities' efforts to obtain that funding.

18 (8) To broker agreements between state agencies and  
19 departments and between state agencies and departments and local  
20 jurisdictions to align and coordinate resources, reduce  
21 administrative burdens of accessing existing resources, and foster  
22 common applications for services, operating, and capital funding.

23 (9) To serve as a statewide facilitator, coordinator, and policy  
24 development resource on ending homelessness in California.

25 (10) To report to the Governor, federal Cabinet members, and  
26 the Legislature on homelessness and work to reduce homelessness.

27 (11) To ensure accountability and results in meeting the  
28 strategies and goals of the council.

29 (12) To identify and implement strategies to fight homelessness  
30 in small communities and rural areas.

31 (c) (1) The Governor shall appoint up to 15 members of the  
32 ~~Coordinating Council~~ *council* as follows:

33 (A) A representative from the Department of Housing and  
34 Community Development.

35 (B) A representative of the Department of Social Services.

36 (C) A representative of the California Housing Finance Agency.

37 (D) A representative of the Department of Health Care Services.

38 (E) A representative of the Department of Veterans Affairs.

39 (F) A representative of the Department of Corrections and  
40 Rehabilitation.

1 (G) A representative from the California Tax Credit Allocation  
2 Committee in the Treasurer's Office.

3 (H) A homeless person who lives in California. To the extent  
4 funding is available, their travel costs shall be paid for.

5 (I) Two representatives of local agencies or organizations that  
6 participate in the United States Department of Housing and Urban  
7 Development's Continuum of Care Program.

8 (J) State advocates or other members of the public or state  
9 agencies, according to the Governor's discretion.

10 (2) *The Senate Committee on Rules and the Speaker of the*  
11 *Assembly shall each appoint one representative of the council from*  
12 *two different stakeholder organizations.*

13 ~~(2)~~

14 (3) The council may, at its discretion, invite stakeholders,  
15 individuals who have experienced homelessness, members of  
16 philanthropic communities, and experts to participate in meetings  
17 or provide information to the council.

18 (d) The council shall hold public meetings at least once every  
19 quarter.

20 (e) The members of the council shall serve at the pleasure of  
21 the Governor.

22 (f) Within existing funding, the council may establish working  
23 groups, task forces, or other structures from within its membership  
24 or with outside members to assist it in its work. Working groups,  
25 task forces, or other structures established by the council shall  
26 determine their own meeting schedules.

27 (g) The members *of the council* shall serve without  
28 compensation, except that members *of the council* who are, or have  
29 been, homeless may receive reimbursement for travel, per diem,  
30 or other expenses.

31 (h) The Department of Housing and Community Development  
32 shall provide staff for the council.

33 (i) ~~The council~~ members *of the council* may enter into  
34 memoranda of understanding with other ~~council~~ members *of the*  
35 *council* to achieve the goals set forth in this chapter, as necessary,  
36 in order to facilitate communication and cooperation between the  
37 entities the ~~council~~ members *of the council* represent.